IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 32211 of 2007(I)

PETITIONER:

SRI.MOHAMMED ALI,
S/O. ABDUL KHADER,
PARAKKANAKKATH HOUSE,
PUTHUPONNANI,
PONNANI SOUTH,
(REGISTERED OWNER OF VEHICLE NO.KL-7C-6109)

BY ADV. SRI.P.VIJAYA BHANU

RESPONDENTS:
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1. PONNANI MUNICIPALITY, RPERESENTED BY ITS SECRETARY,ONNANI MUNICIPALITY, PONNANI.

2. THE DISTRICT COLLECTOR, MALAPPURAM.

3. THE DEPUTY TAHSILDAR, PONNANI.

4. THE SUB INSPECTOR OF POLICE, PONNANI.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 32211 OF 2007 I
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Dated this the 11th day of December, 2007

J U D G M E N T

Petitioner contends that his lorry has been seized by the respondents on the allegation that it was involved in the unauthorised transportation of river sand. Ext.P5 is the mahazar prepared on 11/10/2007 when the lorry was seized. The complaint of the petitioner is that since then while the lorry is remaining in detention, the Collector has not finalised the proceedings as contemplated in Rule 27 of the Protection of River Banks and Regulation of Removal of Sand Rules. On this premise, petitioner seeks release of the vehicle pending finalisation of the proceedings by the 2nd respondent.

2. Now that the proceedings are pending orders of the 2nd respondent, which are to be passed in terms of the rules mentioned above, I am not inclined to interfere with the order of detention and direct release of the vehicle at this state.

3. In my view, the proper order that is to be passed is to require the 2nd respondent to expedite the proceedings and pass final orders, which is already belated going by the time frame

that is set by the Rules.

Having regard to the above facts, I dispose of this writ petition directing that the 2nd respondent shall, within ten days of production of a copy of this judgment, finalise the proceedings against the petitioner's lorry bearing registration No.KL-7 C-6109. Before final orders are passed, notice and an opportunity shall also be given to the petitioner to make his representations in the matter.

ANTONY DOMINIC, JUDGE.

Rp